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BEFORE THE ARIZONA CORPORATION COMMISSION

GARY PIERCE
CHAIRMAN
BOB STUMP
COMMISSIONER
SANDRA D. KENNEDY
COMMISSIONER
PAUL NEWMAN
COMMISSIONER
BRENDA BURNS
COMMISSIONER

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AZ CORP COMMISSION
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Arizona Corporation Commission

DOCKETED

AUG 30 2011

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IN THE MATTER OF THE APPLICATION OF
ARIZONA-AMERICAN WATER COMPANY,
AN ARIZONA CORPORATION, FOR A
DETERMINATION OF THE CURRENT FAIR
VALUE OF ITS UTILITY PLANT AND
PROPERTY AND FOR INCREASES IN ITS
RATES AND CHARGES BASED THERON
FOR UTILITY SERVICE BY ITS AGUA FRIA
WATER DISTRICT, HAVASU WATER
DISTRICT, AND MOHAVE WATER
DISTRICT.

Docket No. W-01303A-10-0448

**RUCO'S RESPONSE TO
EPCOR WATER (USA) INC.'S REQUEST TO INTERVENE**

The Residential Utility Consumer Office ("RUCO") hereby files this response to EPCOR Water USA Inc.'s ("EPCOR USA") motion to intervene, seeking to participate fully in these proceedings. Although EPCOR USA has made an offer to purchase 100 percent of the stock of Arizona-American Water Company ("Arizona-American"), the transaction has not been completed. There can only be one applicant in this proceeding. At this juncture, Arizona-American is the applicant and EPCOR USA has no actual current interest. If and when the sales transaction is completed, EPCOR USA can substitute for Arizona-American as a real party in interest.

1 EPCOR USA should not be allowed to intervene as essentially a second applicant.
2 Until EPCOR completes the purchase of Arizona-American, it has no interest in the rate case
3 which cannot be adequately represented by Arizona-American. To the extent that EPCOR
4 USA's interests are aligned with Arizona-American, EPCOR USA's submission of testimony
5 and cross-examination would be duplicative of the testimony and evidence that has and will be
6 presented by Arizona-American. Therefore, unless EPCOR USA can identify a separate and
7 actual interest, it should not be allowed to participate. If it has an identifiable separate interest,
8 its participation should be limited to that issue.

9 RUCO also objects to EPCOR USA's late intervention because unlike homeowners who
10 had no prior notice of this rate application, EPCOR USA has had notice of these proceedings
11 and is only now seeking to intervene. At this point, the Applicant has submitted all testimony in
12 support of its application and all existing intervenors have responded thereto. By asking to
13 submit evidence and testimony on issues which have already been fully developed, EPCOR
14 USA appears to want a second bite at the apple to bolster its shared position with Arizona-
15 American. EPCOR USA's request to submit evidence and testimony will unnecessarily
16 prolong the proceedings and will be a financial burden on other parties required to submit
17 additional responses.

18 Contrary to EPCOR's assertions, its participation would result in elongated, costly and
19 duplicative proceedings, and it would be over burdensome to other parties. Accordingly,
20 RUCO requests that the Administrative Law Judge deny EPCOR USA's request to intervene.

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23 ...

1 RESPECTFULLY SUBMITTED this 30th day of August, 2011.

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3 

4 Michelle L. Wood
Counsel

5 AN ORIGINAL AND THIRTEEN COPIES
6 of the foregoing filed this 30th day
7 of August, 2011 with:

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